

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL ACTION NO. 3:15-CV-309-DCK**

**GENGER POOLE, as Administrator of the** )  
**Estate of William Dean Poole,** )

**Plaintiff,** )

**v.** )

**GASTON COUNTY; T. R. EARL; J. E.** )  
**KNUPP; A. O. HOLDER; and** )  
**W.P. DOWNEY,** )

**Defendants.** )

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**ORDER**

**THIS MATTER IS BEFORE THE COURT** on the “Objection To Subpoena And Motion To Quash” (Document No. 62) filed by Locke Bell, District Attorney for the 27A Prosecutorial District on October 6, 2016. The parties have consented to Magistrate Judge jurisdiction pursuant to 28 U.S.C §636(c), and immediate review is appropriate. Having carefully considered the motion and the record, the undersigned will deny the motion as moot, without prejudice to re-file if necessary.

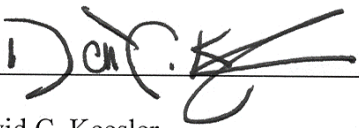
On October 24, 2016, “Plaintiff’s Response To Locke Bell’s, District Attorney for the 27A Prosecutorial District, Objection To Subpoena And Motion To Quash” (Document No. 64) was filed with the Court. By its response, Plaintiff now gives notice that it withdraws “its Subpoena filed upon the office of Locke Bell, the District Attorney.” (Document No. 64, p.1). Plaintiff further states that it will avoid duplicative discovery by waiting to receive the previously requested documents from Defendant Gaston County and the North Carolina State Bureau of Investigation, but reserves the right to re-issue a subpoena to Locke Bell’s office at a later date.

Based on Plaintiff's withdrawal of the subpoena issued to Locke Bell, the undersigned finds good cause to deny the pending motion to quash (Document No. 62).

**IT IS, THEREFORE, ORDERED** that the "Objection To Subpoena And Motion To Quash" (Document No. 62) is **DENIED AS MOOT**.

**SO ORDERED.**

Signed: October 24, 2016

  
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David C. Keesler  
United States Magistrate Judge

